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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,345	12/22/2000	Hans A. Lichtfuss	10002593-1	9781

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/748,345	Applicant(s) LICHTFUSS, HANS A.	
	Examiner Heather D. Gibbs	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,29,31-34 and 37-54 is/are pending in the application.
4a) Of the above claim(s) 3,7-28,30,35 and 36 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4-6,29,31-34 and 37-54 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 01/13/05 has been entered and made of record. Claims 1-2,4-6,29,31-34,37-54 currently are pending.

Response to Arguments

2. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant argues "Sawanobori does not disclose or suggest a lid having a display movably mounted to a frame and a photo sensor array movably mounted within the frame" Upon further review the examiner finds this limitation to be taught in Col 2 Lines 30-65. Sawanobori teaches of the image scanner unit being swung (moveable) such that it is flatly foldable against the top surface 20a and are widely openable for freely disclosing the photographic film F. The image scanner intermittently conveys the photographic film F in the direction B. In modification, the line sensor 41 may be intermittently conveyed along the photographic film F while scanning the image on the photographic film F. See Col 3 Lines 60-62. The LCD 30 and the image scanner 40 are pivoted at an edge of the top surface 20a by a hinge 20b.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2,4-6,29,31-34,37-40,44-45,49-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawanobori (US 6,486,980).

Regarding claim 1, which is representative of claims 29,34, Sawanobori discloses a device comprising: a frame 20; a lid 20a, 20b moveable attached to said frame, said lid being movable between a closed position and an open position Col 2 Lines 3-6; a display31 mounted to said lid; a photo sensor array movably mounted within said frame (Col 3 Lines 29-34); and wherein said display is visible when said lid is in said closed position (Figs 1-2; Col 3 Lines 15-19).

Considering claim 2, Sawanobori teaches wherein said lid is hingedly attached to said frame (Fig 2).

Considering claim 4, Sawanobori teaches wherein said device is a digital picture frame device (Col 4 Lines 13-16).

Regarding claims 5-6,31-33, it is inherent that a photo sensor array can/could be a CIS, CCD, or any other two dimensional array.

Considering claim 37, Sawanobori teaches wherein said scanning causes an image of said object to be generated', and displaying at least a portion of said image of said object On said display (Col 2 Lines 54-67; Col 3 Lines 1-7).

Considering claim 38, Sawanobori teaches wherein said displaying at least a portion of said image occurs when said scanning is taking place (Col 2 Lines 54-67; Col 3 Lines 1-7).

Regarding claim 39, which is representative of claims 44,49, Sawanobori discloses wherein an image is displayed on said display when said lid is in said closed position. See Fig 1.

Regarding claim 40, which is representative of claims 45, 50, Sawanobori teaches wherein a menu of options is displayed on said display (Col 2 Lines 17-20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41-43,46-48,51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawanobori '980 in view of Reelee (US 6,567,190).

Sawanobori discloses the scanning device as disclosed above.

Sawanobori does not disclose expressly wherein one of said options is for uploading an image to the Internet or downloading via wireless communication and including a removable memory card device.

Reelee discloses a multifunctional scanner that is able to upload images from the Internet, transmit images to the Internet, and includes a removable memory card device (Fig 3; Col 4 Lines 33-40).

Sawanobori & Reelee are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Reelee with Sawanobori.

The suggestion/motivation for doing so would have been to establish wireless connections via the Internet.

Therefore, it would have been obvious to combine Reelee with Sawanobori to obtain the invention as specified in claims 41-43, 46-48, 51-54.

Conclusion

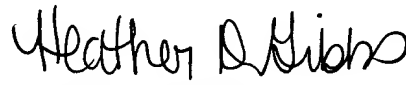
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Heather D Gibbs
Examiner
Art Unit 2622

hdg


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGICAL CENTER